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\*ORDER E-FILED ON 10/30/06\*

8 Attorneys for Defendant  
9 AMERICAN MEDICAL SYSTEMS, INC.

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 PATTY CARROLL and BRIAN  
14 CARROLL,

15 Plaintiffs,

16 v.

17 AMERICAN MEDICAL SYSTEMS, INC.,  
18 a corporation licensed to do business in  
19 California and DOES 1 to 500,,  
20 Defendant.

CASE NO. C 06-02062 HRL ENE

**STIPULATION AND ~~PROPOSED~~  
ORDER TO MODIFY THE JULY 18,  
2006 CASE MANAGEMENT ORDER**

**(MODIFIED BY THE COURT)**

21 This Stipulation is entered into between Plaintiffs, Patty Carroll and Brian Carroll, by and  
22 through their counsel of record, The Law Offices of John E. Hill, and Defendant, American  
23 Medical Systems, Inc., by and through its counsel of record, Kenney & Markowitz, L.L.P. The  
24 parties stipulate as follows:

25 1. On July 18, 2006, this Court issued its first Case Management Order in this case,  
26 which included a trial date of May 21, 2007, and other dates set by the Court accordingly;

27 2. On September 18, 2006, the parties submitted a stipulation and proposed order  
28 requesting a continuance of the date set for completion of Alternative Dispute Resolution<sup>1</sup>. The

<sup>1</sup> The parties stipulated to an Early Neutral Evaluation and the Court has appointed Jane Pandell as the parties' Neutral.

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STIPULATION AND ~~PROPOSED~~ ORDER TO MODIFY THE JULY 18, 2006 CASE MANAGEMENT ORDER;  
C 06-02062 HRL

Kenney  
&  
Markowitz  
L.L.P.

1 ground presented for the continuance was that plaintiffs needed additional time to collect a  
 2 complete set of medical records before the ENE. On September 19, 2006, the Court granted the  
 3 proposed order to continue the deadline set for completion of ADR until October 30, 2006;

4 3. Due to unavoidable scheduling conflicts, including trials during October and  
 5 November, the next available date on which counsel for the plaintiffs, the defendant and the Early  
 6 Neutral Evaluator are available for an ENE session is November 28, 2006. The ENE is scheduled  
 7 to take place on November 28, 2006 at the Law offices of John E. Hill;

8 4. The parties stipulate to and respectfully request that the Court continue the ADR  
 9 completion date by an additional 30 days to November 30, 2006;

10 5. Pursuant to the July 18, 2006 Order, the current trial date is May 21, 2007. Factual  
 11 discovery cutoff is December 15, 2006, just two weeks after the scheduled ENE. Counsel for both  
 12 parties, therefore, stipulate to and respectfully request that the Court modify its July 18, 2006 Case  
 13 Management Order to continue the trial commencement and all associated dates within the Order  
 14 by 60 days as listed in the attached proposed order.

15  
 16 DATED: October 26, 2006

**KENNEY & MARKOWITZ L.L.P**

17  
 18 By: /s/ Samantha D. Hilton  
 19 KEN M. MARKOWITZ  
 20 SAMANTHA D. HILTON  
 21 Attorneys for Defendant  
 22 AMERICAN MEDICAL SYSTEMS,  
 23 INC.

24  
 25 DATED: October 27, 2006

**LAW OFFICES OF JOHN E. HILL**

26  
 27 By: [Signature]  
 28 JOHN E. HILL  
 Attorneys for Plaintiffs  
 PATTY CARROLL AND BRIAN  
 CARROLL

Kenney  
 &  
 Markowitz  
 L.L.P.

~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation and request for modification of the Court's Case Management Order, the following schedule shall apply to this case:

ENE completed by:	November 30, 2006
Fact Discovery Cutoff:	<del>January 26,</del> <del>February 6,</del> 2007
Designation of Experts with Reports:	<del>February 6,</del> <del>March 6,</del> 2007
Designation of Rebuttal Experts with Reports (if any)	<del>March 6,</del> <del>April 6,</del> 2007
Expert Discovery Cutoff:	<del>April 6,</del> <del>May 15,</del> 2007
LD for Hearing on Dispositive Motions:	<del>May 15,</del> 2007, 10:00 a.m.
Final Pretrial Conference:	July <del>12,</del> <sup>3</sup> 2007, 1:30 p.m.
Jury Trial (estimated 7 days):	July <del>12,</del> <sup>9</sup> 2007

**No further extensions of the ENE deadline will be granted.**  
IT IS SO ORDERED.

DATED: October 30, 2006

  
\_\_\_\_\_  
HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

Kenney  
&  
Markowitz  
LLP